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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 852/2022**

RAM MEHAR BHATI

..... Petitioner

Through: Ms. Rebecca M. John, Sr. Advocate
with Mr. Himanshu, Mr. Pravir Singh
and Ms. Anushka Baruah, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
Mr. Hardik Jain, Advocate for
Complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

15.03.2024

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1. By way of present application filed under Section 438 Cr.P.C., the applicant seeks anticipatory bail in FIR No. 166/2021 registered under Section 420 IPC at P.S. K.N.K. Marg.

2. Ms. John, learned Senior Counsel for the applicant states that the applicant was granted interim protection vide order dated 15.03.2022 which was subject to him joining investigation. She states that applicant has subsequently joined the investigation on a number of occasions. She further states that the applicant is not involved in any other case.

On merits, it is submitted that the complainant i.e. M/s Medisure Inc. has filed the present FIR with the allegations that it had placed an order of supply of 35,000 PPE Kits to M/s CBR Hospital, New Delhi of which applicant is proprietor. It was further alleged that only 22,875 PPE Kits



were supplied and the same were also not of the same standard which was agreed to. Learned Senior Counsel states that during the course of investigation, the applicant has provided CCTV footage of 02.05.2022 wherein owner of M/s Paras Enterprises, namely, *Varun Jain* and his friend *Akshay* can be seen in the CBR Hospital on the said date. She further states that as per the case of the applicant, PPE Kits were supplied by M/s Paras Enterprises which were delivered to the complainant for further delivery to the end user Bihar Medical Services & Infrastructure Cooperation Ltd. (BMSICL), who has not made any complaint regarding quality.

3. Mr. Laksh Khanna, learned APP for the State, who is duly assisted by Mr. Hardik Jain, counsel for the complainant, has opposed the bail application. It is stated that initially BMSICL had ordered for supply of about 2 lacs PPE Kits to one M/s MedOnGo Health Pvt. Ltd., Bengaluru which further placed order for supply of 50,000 PPE Kits on the complainant, who in turn, placed the order of 35,000 PPE Kits on the present applicant. He further states that though the applicant has supplied the PPE Kits but the same were sub-standard. Learned APP lastly submits that samples of PPE Kits, supplied by the applicant, have been sent to DRDO and a report is received.

4. At this stage, Ms. John states that there is no complaint either from end user or from BMSICL.

5. I have heard the learned counsels for the parties and perused the material available on record.

6. The PPE kits stand delivered. The samples taken are sent for expert opinion which is still awaited. The applicant has joined the investigation and is not found involved in any other case, the interim protection granted to the



applicant vide order dated 15.03.2022 is made absolute and it is directed that in the event of arrest, the applicant be released on bail subject to him furnishing a personal bond in the sum of ₹50,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when he is asked for.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential address/contact detail, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
- (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- (vi) The applicant shall regularly appear before the trial Court as and when the charge sheet is filed.

7. The application is disposed of in the above terms.

MANOJ KUMAR OHRI, J

MARCH 15, 2024

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